

61/2A
LB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of
Setterstrom et al.

Group Art Unit: 1617

Serial No.: Divisional application of
U.S. Ser. No. 08/789,734

Examiner: Harrison, R.H.

Filing Date of Parent App. January 27, 1997
of Divisional App. July 19, 2000

FOR: THERAPEUTIC TREATMENT AND PREVENTION OF INFECTIONS WITH A
BIOACTIVE MATERIALS ENCAPSULATED WITHIN A BIODEGRADABLE-
BIOCOMPATIBLE POLYMERIC MATRIX

* * * * *

PRELIMINARY AMENDMENT

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In connection with the above-referenced application, before examination on the
merits, please enter the following amendments and consider the following remarks.

IN THE CLAIMS:

Please cancel claim 1-36 and 128 before calculating the filing fee.

Please add the following claims:

A

---157. (New) A process of treating a human with an active agent comprising
administering a pharmaceutically effective amount of a controlled release microcapsule
pharmaceutical formulation for burst-free, sustained, programmable release of said
biologically active agent over a duration from 1-100 days, comprising said active agent
encapsulated within a biodegradable poly(lactide/glycolide) having the uncapped/end
capped form of said poly(lactide/glycolide) in the ratio of 100/0 to 1/99, wherein the
poly(lactide/glycolide) may contain a pharmaceutically acceptable adjuvant.---